



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, SEPTEMBER 25, 2019
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Walker*.

ROLL CALL

MEMBERS PRESENT: Commissioners Anderson, Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director and Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Assistant Planner Hong, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

PRESENTATIONS

Development Services Director Dalquest presented past *Chair Schwary* with a gift from the Planning Division staff in gratitude for his service as Planning Commission Chair over the past eight (8) years.

Contract Planning Manager Poland thanked past *Chair Schwary* for being a pleasure to work with over the years.

Vice Chair Schwary thanked staff and his fellow Commissioners for all of their hard work.

On behalf of the Planning Commission, *Development Services Director Dalquest* presented outgoing *Commissioner Verrinder* with a plaque in recognition of her eight (8) years of service on the Commission.

Vice Chair Schwary thanked outgoing *Commissioner Verrinder* for her service to the Planning Commission.

Shelly Verrinder thanked staff and her fellow Commissioners. She wished the Commissioners well in the future.

APPROVAL OF MINUTES

Chair Aspinall requested the minutes be amended to clarify points made by *Commissioner Novikov* on page 3 with regards to the election.

Moved by *Commissioner Anderson*, to approve of the minutes of the Planning Commission meeting of August 28, 2019, as amended by *Chair Aspinall*.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Brouse, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

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NAYS: None ABSTAINED: None

ABSENT: None

COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the September 9th City Council Meeting, noting that a presentation on the 2020 Census was provided; indicated the City Council appointed Howard Bunte to the Airport and Land Use Committee; and approved a contract with a consultant, Tierra West Advisors, for economic development services and strategic plan services. He also indicated there were no Commission-related items discussed at the September 23rd City Council Meeting.

FUTURE AGENDAS

Contract Planning Manager Poland indicated that there is nothing currently scheduled for the October meeting, however there is business to discuss at the meeting of November 13th.

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Steve Bierbaum spoke about the joint workshop of the City Council, Planning Commission and Airport and Land Use Committee meeting of June 17th, and spoke about the proposed development in question, including recycled materials, administrative citations issues, settlement agreement, and encouraged the Commission to have an EIR prepared for any future projects at the location.

Vice Chair Schwary inquired as to whether there will be another workshop before the Commission or Council votes on the item.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* confirmed, indicating a potential joint workshop may be held in October 2019.

Noting there were no further members of the public wishing to address the Commission, *Chair Aspinall* closed the oral communications.

PUBLIC HEARINGS – None.

BUSINESS ITEMS

1. UPDATE AND STATUS REPORT OF PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NO. 11-05 FOR THE EVENT TENT AND LANDSCAPING MAINTENANCE ISSUES AT THE UPLAND HILLS COUNTRY CLUB (MIKE POLAND).

Contract Planning Manager Poland spoke about the history of the item, current status, events within the past 90 days, noise complaint filed, police report, ADA compliance issues and remedies, other complaints and association issues, and staff recommendations.

Commissioner Walker requested clarification related to the maintenance of the landscape, nature of landscape complaints, and inquired whether a report will be coming to the Commission.

In response to *Commissioner Walker's* inquiry, *Contract Planning Manager Poland* indicated that the property management company hired an arborist to mitigate issues related to trees.

Vice Chair Schwary requested staff further explore landscape issues and report back to the Commission. He also

inquired as to the volume of complaints.

In response to *Vice Chair Schwary's* inquiry, *Contract Planning Manager Poland* indicated there has been one (1) complaint over the past 12-months.

The Planning Commission received and filed the report.

PUBLIC WORKSHOP

1. PUBLIC WORKSHOP ON A DRAFT ORDINANCE REGULATING ACCESSORY DWELLING UNITS FOR COMPLIANCE WITH RECENT CHANGES TO STATE LAW; STATE GOVERNMENT CODE SECTION 65852.2 (ROBERT D. DALQUEST).

Development Services Director Dalquest presented the details of the item to the Commission, including the history of the item, Government Code, public notification, accessory dwelling unit ("ADU") definition, forms of ADU's, legislative history, summary of significant changes, parking requirements, key policy issues previously discussed, and staff recommendation.

Deputy City Attorney Shah spoke about the status of current legislation, draft ordinances, and scenarios for action provided the passing or vetoing of the current legislation.

Development Services Director Dalquest spoke about next steps for the draft ordinance and indicated that the current code is out of compliance; as such, current applications are determined by state guidelines.

Chair Aspinall inquired as to the current compliance of ADU over the past two (2) years.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that each application would have to be reviewed on a case-by-case basis, noting an average of ten (10) applications per year. He also defined the "legal non-conforming" status.

Commissioner Anderson inquired as to the number of ADU's in the City in accordance with the City's Housing Element.

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* indicated he would look into it and include the information in the public hearing.

Development Services Director Dalquest continued the presentation by highlighting key points in the draft ordinance.

Commissioner Walker inquired as to the impact legal non-conforming ADU's will have on meeting the numbers indicated in the City's Housing Element.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated that the status will be beneficial to the goal of meeting housing numbers.

Vice Chair Schwary inquired as to short-term rentals with existing ADU's.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated as the code stands now, there is no policy on short-term vacation rentals in the City.

Discussion ensued related to the possibility of the state to allow vacation rentals in ADU's should legislation pass in the future.

Commissioner Anderson inquired as to any restrictions related to room rental within owner-occupied dwellings.

In response to *Commissioner Anderson's* inquiry, *Deputy City Attorney Shah* indicated there is no such restriction in the City.

Commissioner Novikov inquired as to the impact of potentially allowing short-term rentals of ADU's.

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In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated the single-family nature of the zoning areas for ADU's can generate complaints from short-term rentals. *Commissioner Walker* also indicated that short-term rentals could have the potential to affect surrounding property values and appreciates the long-term rental. She also inquired as to state incentives to promote the development of ADU's.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated that taking away local control on certain issues provides an easier path for the development of ADU's.

Deputy City Attorney Shah indicated that the state is currently considering legislation that can limit fees passed down to property owners for the development of ADU's.

Chair Aspinall inquired as to the likelihood of ADU approvals coming before the Planning Commission.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that appeals of administrative decisions can potentially come before the Planning Commission.

Commissioner Anderson inquired as to the requirement for garages should existing garages be converted to ADU's.

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* indicated that the code required covered parking, as such, a garage or carport are required.

Discussion ensued regarding setback requirements.

Vice Chair Schwary expressed support for more restrictive setback requirements with regards to ADU's.

Chair Aspinall inquired as to the requirement for public notification.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that there is no legal requirement to notify neighbors, as ADU's are administrative approvals.

Commissioner Novikov requested clarification on ADU parking requirements.

In response to *Commissioner Novikov's* inquiry, *Development Services Director Dalquest* indicated 2017 legislation required one (1) space per bedroom, and in 2018 legislation was updated to require one (1) space per ADU.

Discussion ensued related to the public transit radius provision, car share vehicle location provision, and parking restrictions around the City.

Chair Aspinall inquired as to any streets that require parking permits for street parking.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated there might be some near the high school but would need to verify with code enforcement.

Chair Aspinall requested that staff include this information when the draft ordinance is brought forward to the Commission.

Commissioner Walker expressed interest in reviewing potential parking studies when drafting the ordinance, and expressed concern for parking along the streets.

In response to *Commissioner Walker's* inquiry, *Development Services Director Dalquest* indicated he could provide a half mile radius map to the Commission and was not certain about a Parking Study. He also indicated that we would have to allow it, since it is state law.

Deputy City Attorney Shah indicated that there is potential for further restriction down the line regarding defining parking restrictions in relation to ADU's.

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Development Services Director Dalquest indicated there could be health and safety concerns pertaining to emergency access.

Chair Aspinall opened the floor to public comment.

Kirk Swanner spoke about the RS-7.5 zone and finds it restrictive since it prohibits lot sizes under 7,500 square feet from being able to have ADU's.

In response to *Kirk Swanner's* inquiry, *Development Services Director Dalquest* indicated that lot size restrictions are policy decisions made at the discretion of the Commission and finds ADU's to be accommodating. He further mentions needing to make sure ADU's are integrated in neighborhoods where they won't cause an impact.

Development Services Director Dalquest suggested he could provide GIS or County Assessors lot information, to inform the Commission of how many lots exist within the City that are less than 7,500 square feet.

Vice Chair Schwary inquired as to the option for applicants with properties under the size threshold in certain zones to apply for a variance in lieu of changing the lot size restrictions.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* indicated that applicants will still have to meet state requirements for a variance. He also mentioned the City cannot grant special privileges and a special circumstance would need to be present to consider a variance.

Mr. Swanner indicated that he feels a significant amount of properties fall under the 7,500 square foot lot size threshold.

Development Services Director Dalquest indicated that as it stands, the City is taking a more accommodating stance by permitting 7,500 square foot properties to build ADU's, when the previous minimum was 10,000 square feet.

Vice Chair Schwary requested staff look into allowing reasonable accommodations to permit property owners under 7,500 square feet to build ADU's.

Deputy City Attorney Shah recommended lowering the lot size requirements should the ADU be attached.

Tom Grahn expressed support for the Commission's actions on this topic, however indicated that his neighbor is currently building an ADU which exceeds size restrictions.

In response to *Tom Grahn's* comment, *Development Services Director Dalquest* indicated that prior to this Ordinance, the City had no ADU ordinance and was instead using state guidelines. *Development Services Director Dalquest* offered to look in to the specifics of *Mr. Grahn's* claim.

Mr. Grahn replied that the property is at 1341 N. First Avenue and indicated the house is around 2,000 square feet and the ADU is 1,200 square feet including the conversion of a 400 square foot garage.

Discussion ensued related to second-story ADU's, impact to the community, and limitations in surrounding cities.

Chair Aspinall requested that staff clarify state requirements with respect to ADU sizes and lot sizes.

Sean Hoss spoke about setbacks for ADU's with regards to loss of privacy.

Development Services Director Dalquest proposed adding provisions for detached ADU setbacks when properties are adjacent to alleyways.

Noting no others wishing to address the Commission, *Chair Aspinall* closed oral communications.

Vice Chair Schwary thanked those who came to the meeting and provided commentary.

Commissioner Anderson thanked everyone for coming and appreciated their feedback. She also indicated she is excited to have an ADU ordinance within the City.

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Vice Chair Schwary inquired as to the next steps.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* spoke briefly about the next steps, including other department's review and setting the public hearing.

COMMISSION COMMUNICATIONS

Commissioner Walker inquired as to tree trimming within the City.

In response to *Commissioner Walker's* comment, *Development Services Director Dalquest* indicated tree trimming is under the jurisdiction of Public Works and he will follow up and with the Commission.

Chair Aspinall inquired as to the status of short-term rentals in the City.

In response to *Chair Aspinall's* comment, *Development Services Director Dalquest* indicated that there is currently no policy that addresses short-term or vacation rentals in the City.

Chair Aspinall requested a discussion on short-term rentals be agendized at a future meeting.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 8:26 P.M., to the regular meeting of the Planning Commission on November 13, 2019, at 6:30 P.M.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'RD Dalquest', with a long horizontal flourish extending to the right.

Robert D. Dalquest, Secretary
Upland Planning Commission